

REMARKS/ARGUMENTS

The present amendment amends claims 1-7, 21 and 27. Claims 8-20 and 28-44 have been canceled. Following entry of this amendment claims 1-7 and 21-27 are pending in this case. The 6/2/05 Office Action rejected pending claims 1, 8 and 17 under 35 USC §112, second paragraph. Claims 8 and 17 have been canceled. Claim 1 has been amended, and it is respectfully submitted that as amended claim 1 overcomes the rejection under §112.

The previously pending claims were rejected as being anticipated by numerous different references. For example, claims 1-20 were rejected as being anticipated by eight different references. In order to focus the examination of the pending claims, the present amendments are provided. However, it is respectfully submitted that the present amendment should not be taken as Applicants agreeing with the analysis set forth in the 6/2/05 Office Action. The present amendments are provided without prejudice to further prosecution through continuation applications.

It is respectfully submitted that as amended, the pending independent claims clearly recite subject matter that does not appear to be disclosed in or suggested by any of the numerous references cited in the 6/2/05 Office Action.

For example, in summary form claim 1 provides for a plurality of customer facing utility systems, which are coupled with a plurality of customer systems through a network. Further, each of the customer facing utility systems has a corresponding set of customer facing data with three types of data. A first type of data in the sets of data can be written to by the customer facing utility systems, and a second type of data which is provided by a firm side utility, and a third type of data is provided by the street side utility systems. When a customer facing utility writes a data record of the first type of data to its corresponding set of customer facing data, the system operates to replicate the data record such that each set of customer facing data will include the data record.

It is respectfully submitted that the system of claim 1 provides for an extremely scalable system where sets of data are provided for each corresponding customer facing utility system. This type of system does not appear to be provided for in the references. Additionally, it should be noted that each of the claims (claims 2-7) which depend from claim 1 recite further aspects of a system of the present invention where further details regarding the system are expressly recited. These additional aspects show that the system provides for a three tiered structure where

each element (customer facing utility systems, firm side utility system, and street side utility system) relies on the other elements of the system to provide different types of data where the other elements area responsible for such other data types, but each element has ready access to the three different types of data in the data set which correspond with the given element. Thus, it is respectfully submitted that claim 1 and its dependent claims are patentable over the references.

Claim 21 is a method claim which in summary form includes providing a plurality of customer facing utility systems, and providing each of the customer facing utility systems with a corresponding set of customer facing data. Additionally, the method includes providing for a firm side utility system, and providing a plurality of street side utility systems. The customer facing data sets include three types of data, a first type of which can be written to by the corresponding customer facing utility system, and the other two types of data are provided by the firm side utility and the street side utility systems. The firm side utility system is provided with a set of firm data which is includes three types of data, and the firm side utility can write to one of the types of data, and the street side utility systems and the customer facing utility systems provide for the other types of data included in the set of firm side data. Additionally, the method includes providing each street side utility with a corresponding set of street side data, where each set of street side data includes three types of data, where one to the data types can be written by a corresponding street side utility systems, and the other two data types are provided by the firm side utility system and the customer facing utility systems.

It is respectfully submitted that the system of claim 21 provides for an extremely scalable method of operation where sets of data are provided for each corresponding customer facing utility system, and for the firm side utility system, and for the street side utility systems. The method of claim 21 describes a method of three tiered operation where each element (customer facing utility systems, firm side utility system, and street side utility system) relies on the other elements of the system to provide the data which it is responsible for, but each element has ready access to the data in the data set which corresponds with the given element. Thus, it is respectfully submitted that claim 21 and its dependent claims are patentable over the references.

Conclusion

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the pending claims and a notice of allowance are respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. SCHB-3600. A **duplicate copy of the transmittal cover sheet attached to this Response is provided.**

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: August 16, 2005

By: 

Brian J. Keating
Reg. No. 39,520

Attorneys for Applicant(s)